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RHEHNSC/NSC WASHINGTON DC PRIORITY 0000  
RUEATRS/TREASURY DEPT WASHINGTON DC PRIORITY 0000

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E.O. 12958: N/A

TAGS: KTFN PREL PTER UNSC XA ER

SUBJECT: RAISING NON-COMPLIANCE WITH UNSCR 1267  
OBLIGATIONS AT THE UN: HASSAN DAHIR AWEYS AND ERITREA

REF: A. 1) STATE 145621  
    1B. 2) PARIS 004320  
    1C. 3) JOHNSON-CROWE E-MAIL

11. This is an action request. Please see paragraphs 4 and 5.

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SUMMARY AND OBJECTIVES

12. Sheikh Hassan Dahir Aweys was listed in November 2001 pursuant to UNSCR 1267 (al-Qaida/Taliban sanctions) and subsequent resolutions. The 1267 sanctions regime obliges Member States to impose a travel ban, arms embargo and asset freeze against all listed individuals. Western media recently reported that Aweys was present at the Somali opposition conference in Asmara that began on September 6, 12007. The Government of the State of Eritrea (GSE) did not apply for an exemption to the travel ban via the 1267 Committee to request permission to allow for Awey's travel to Eritrea. It therefore appears that the GSE did not comply with its 1267 obligations.

13. Although we had hoped the UK and France would join us in a P-3 demarche on this subject in Asmara, we have been unable to quickly achieve consensus on such action. Further, the issue of non-compliance has been discussed in the last two informal meetings of the 1267 Committee, and the topic is also on the agenda for the next informal Committee meeting on November 6, 2007. This next discussion of non-compliance will examine possible cases of travel ban violations, as well as the 1267 Monitoring Team's 7th Report, which includes a section on apparent violations of the travel ban on Aweys by several Member States. Therefore, we would like to raise this most recent example of apparent non-compliance in this context to seize the opportunity to press for Committee action in this well-documented case, and also to help push Committee members closer to consensus on the need to discuss and respond more quickly and systematically to potential instances of non-compliance.

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OBJECTIVES AND ACTION REQUEST

14. Department requests USUN raise this issue of potential Eritrean non-compliance under "other matters" in the November 6 informal meeting of the 1267 Committee. Department further asks USUN to alert the Eritrean PermRep prior to the meeting that we intend to raise this issue in Committee. Alerting the Eritreans in advance will insure that the GSE is informed of our unhappiness with this situation and will further serve as an insurance policy in the event the Committee decides not to take action in this case. USUN should also notify 1267

counterparts from the UK and French missions, and request follow-on statements of support for our position.

¶15. USUN should request that either the Committee send a letter to the GSE asking for an explanation of this apparent violation, or the Committee Chairman should invite the Eritrean PermRep to address the 1267 Committee on this matter. USUN should further suggest that, with regard to non-compliance issues more generally, one of the above two scenarios should be pursued by the Committee as a matter of course every time a potential case of non-compliance is brought to its attention. USUN should ask that non-compliance issues be discussed by Committee members on a monthly basis to underscore the importance the Committee places on Member State compliance with the sanction regime. Such action should not be seen as prejudging whether a violation has occurred, but rather should be viewed as a chance for increased dialogue to address reasons motivating non-compliance.

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REPORTING DEADLINE  
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¶16. USUN should report the results of efforts by COB Friday, November 9.

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BACKGROUND  
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¶17. Sheikh Hassan Dahir Aweys was added to the UN 1267 Consolidated List on November 9, 2001, based upon his connection to Al-Qaida-linked Al-Ittihad al-Islamiya (AIAI).

¶18. Despite the travel ban imposed under UNSC Resolution 1267 and modified in subsequent resolutions, Aweys has continued to travel abroad. The most recent report from the 1267 Monitoring Team found that Sheikh Aweys has been allowed to travel, in apparent violation of the travel ban, on several occasions, including unauthorized visits to Saudi Arabia, Libya, and Eritrea. Most recently, Western media indicated that Aweys attended the Somali opposition conference held in Asmara beginning on September 6, 2007.

¶19. Eritrea did not petition the 1267 Committee for an exemption to permit Aweys to travel into Eritrea. By allowing Aweys entry, it appears Eritrea acted in clear violation of UNSCR 1267 and subsequent resolutions.

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POINT OF CONTACT  
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¶10. Inquiries may be directed to IO/PSC (Erin Crowe, 202-736-7847).

RICE